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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/564,499

07/14/2006

Laurent Blonde

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9875

24498

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04/29/2009

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EXAMINER

HOWARD, RYAN D

ART UNIT

PAPER NUMBER

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/564,499	<b>Applicant(s)</b> BLONDE ET AL.	
	<b>Examiner</b> RYAN HOWARD	<b>Art Unit</b> 2851	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 1/13/09.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 9-14 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 9-12 is/are rejected.
- 7) ☒ Claim(s) 13-14 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

**DETAILED ACTION**

1. Acknowledgement made of amendment filed 1/13/2009.

***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claim 12 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claim 12 recites the limitation "position of the second coloured wheel relative to the first coloured wheel" in lines 2-3. There is insufficient antecedent basis for this limitation in the claim.

***Claim Rejections - 35 USC § 102***

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

5. Claims 9 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Morgan (US 6,567,134 B1).

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Regarding claim 9, Morgan teaches means of a periodic generation of successive coloured beams taking successively at each period a plurality of determined primary colorurs (RGB, figure 7); and

means of modulation of each of said coloured beams (600, figure 6), for generating an image to be displayed in a determined primary colour taken by said coloured beam by modulation of said coloured beam during a determined duration of said coloured beam (column 6 lines 17-26), wherein each of said successive coloured beams takes successively at least two distinct colours during the determined duration so as to obtain each of said plurality of determined primary colour as a result (column 5 lines 10-21).

Regarding claim 10, Morgan teaches each of the coloured beams takes at least one of the distinct colours for a variable duration so as to vary the determined colour (column 5 lines 54-58; column 10 lines 54-61).

### ***Claim Rejections - 35 USC § 103***

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 11 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Morgan (US 6,567,134 B1) in view of Ouchi (US 6,753,829 B2).

Regarding claim 11, Morgan does not teach a first coloured wheel and a second coloured wheel traversed by a luminous beam, each coloured wheel carrying a plurality of coloured filtering sectors and being driven in rotation, and in which the position of the second coloured wheel relative to the first coloured wheel is variable in order to modify the determined primary colour of each of the successive coloured beams.

Ouchi teaches a first coloured wheel (3, figure 1) and a second coloured wheel (4, figure 2) traversed by a luminous beam, each coloured wheel carrying a plurality of coloured filtering sectors and being driven in rotation (column 4 lines 55-57), and in which the position of the second coloured wheel relative to the first coloured wheel is variable in order to modify the determined primary colour of each of the successive coloured beams (column 4 lines 37-54).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the projection system of Morgan with the dual color wheels of Ouchi because the dual color wheels of Ouchi allows the projector to project different bright images or high contrast images to conform to video input requirements, thereby making the projection system more convenient.

Regarding claim 12, Morgan does not specify a means of reception of a video signal, and Morgan does not teach a means of determination of the position of the second coloured wheel relative to the first coloured wheel as a function of the received video signal, wherein the means of modulation of each of the successive coloured beams generates the images to be displayed such as a function of the received video signal.

Ouchi teaches a means of reception of a video signal (column 6 lines 1-14), and a means of determination of the position of the second coloured wheel relative to the first coloured wheel as a function of the received video signal (column 6 lines 45-67), wherein the means of modulation of each of the successive coloured beams generates the images to be displayed such as a function of the received video signal (column 6 lines 45-47).

It would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify the projection system of Morgan with the dual color wheels of Ouchi because the dual color wheels of Ouchi allows the projector to project different bright images or high contrast images to conform to video input requirements, thereby making the projection system more convenient.

### ***Allowable Subject Matter***

8. Claims 13 and 14 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: Prior art does not teach or render obvious a means of periodic generation of successive colored beams comprising a first and second color wheel that are identical with three filter segments of cyan, yellow and magenta wherein each of the successive colored beams takes successively at least two distinct colors during the determined duration so as to obtain each of said plurality of determined primary colors as a result.

### ***Response to Arguments***

9. Applicant's arguments filed 1/13/2009 appear to be filed in error. The arguments are directed toward claims not present in the instant application over prior art not used to reject any pending claims.

### ***Conclusion***

10. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to RYAN HOWARD whose telephone number is (571)270-5358. The examiner can normally be reached on Monday-Friday 7:30-4:00.

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Diane Lee can be reached on (571)272-2399. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/William C. Dowling/  
Primary Examiner, Art Unit 2851

/RYAN HOWARD/  
Examiner, Art Unit 2851  
4/24/2009